

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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|---|---|-------------|
| Carolee Brady Hartman and All Other |) | |
| Plaintiffs, Approx. 50 additional plaintiffs, |) | |
| |) | |
| Appellants |) | |
| |) | No. 23-5126 |
| v. |) | |
| |) | |
| Antony J. Blinken, Secretary of State and |) | |
| All Other Defendants, One additional |) | |
| defendant, |) | |
| |) | |
| Appellees |) | |

NON-BINDING STATEMENT OF ISSUES

Appellants respectfully submit the following non-binding statement of issues, as directed by the Court in its June 1, 2023 order:

1. Whether the District Court erred in declining to enhance the award of attorneys’ fees by applying a multiplier to the parties’ agreed-to base “lodestar” amount in light of the record of superior performance and success by counsel for the Appellants in securing the largest class-wide recovery and largest individual class member recoveries for employment discrimination in the history of the Civil Rights Act following forty years of hard-fought litigation.

2. Whether the District Court erred in holding that *Perdue v. Kenny A. ex. rel. Winn*, 559 U.S. 542 (2010) precluded the Court from considering evidence

of superior lawyering and exceptional results as a basis for a lodestar enhancement in a case governed by contract.

3. Whether the District Court erred in holding that factors relevant to the determination of a reasonable fee are subsumed in a lodestar that is based on hourly rates that consider only the single factor of years since admission to the bar.

4. Whether the District Court erred in finding that plaintiffs were paid an additional \$9,000,000 in fees by stipulation entered October 1, 2021.

5. Whether the District Court erred in finding that the praise for class counsel's work by the Special Master, Judge Richey, and Judge Robertson was impressionistic and thus not specific evidence of superior lawyering.

Dated: July 3, 2023

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Counsel for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2023, a true and correct copy of the Plaintiffs-Appellants' Non-Binding Statement of Issues was sent via CM/ECF electronic filing, addressed to the following attorneys for all Defendants:

Jane M. Lyons, Assistant U.S. Attorney
U.S. Attorney's Office
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/s/ Roger E. Warin

Roger E. Warin